IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 408 OF 2007

JOSE BELARMINO ANTAO AND ANR., ... Petitioners
Versus
FLORIANO GAMBETA DA PIEDADE AVILA AND ANR., ... Respondents

Mr. Shambhu Kakodkar, Advocate for the petitioners.

Coram:- R. S. MOHITE, J.

Date:- 30th August, 2007

P.C.

This petition impugns an order allowing the amendment pertaining to an alternate prayer for grant of possession. In my view, in so far as grant of amendment is concerned, there is no case made out on merits.

2. Advocate for the petitioners states that in view of allowing of such an amendment, the petitioners would like to cross examine witnesses of the plaintiffs, including the plaintiffs, already examined, in respect of the alternate relief which is sought. In this regard, there will be liberty to the petitioners to make an application to the trial Court and if such an application is made, the same will be decided on its own merits without being influenced by this order.

3. The Advocate for the petitioners further informs that an application has already been made for additional issues. A grievance is sought to be made that the said application is not decided. If any such application is pending, it is expected that the same shall be dealt with and disposed of by the trial Court. With these directions, the petition is disposed off. A copy of this order, duly authenticated, be issued to the

petitioners.

R. S. MOHITE, J.

ssm.